AGENDA ITEM EXECUTIVE SUMMARY Title: Recommendation to Approve a General Amendment to Title 17 of the City Code Regarding Permanent Motor Vehicle Storage in the M-1 Special Manufacturing District Staff: Matthew O'Rourke, Planner Please check appropriate box:

Please	check approp	priate box:						
X	Government Operations (3/18/13) Government Services							
	Planning & Development			City Council				
Estima	Estimated Cost: N/A				YES		NO	
If NO,	please explai	n how item will be funded:	·				•	

Executive Summary:

Joseph Conti represents the St. Charles Chrysler, Dodge, and Jeep dealership located at 1611 E. Main Street. The dealership is interested in utilizing a portion of the vacant property at the southeast corner of Tyler Road and Production Drive to permanently park motor vehicles. This use is defined as Permanent Motor Vehicle Storage by the City's Zoning Ordinance.

The subject property is zoned **M-1 Special Manufacturing District** and **Permanent Motor Vehicle Storage** is not a permitted use in this district.

Proposal:

Joseph Conti has applied for a general amendment to the Zoning Ordinance. The details of the proposal are as follows:

- 1. Amend **Table 17.16-1 Office/Research, Manufacturing, and Public Lands Permitted and Special Uses** to permit Permanent Motor Vehicle Storage in the M-1 Special Manufacturing Zoning District.
- 2. Amend **Section 17.20.030.P Motor Vehicle Storage Temporary and Permanent** to include specific standards for properties in the M-1 Special Manufacturing District.

Plan Commission Recommendation:

The Plan Commission held a public hearing and recommended approval of this item on 3/12/2013. The Commission asked: if lots could be combined to meet the minimum site area, if the use should be allowed on arterials such as Main Street, and if the use should be a Special Use in the M-1 district. Staff responded to these questions and the General Amendment was approved without any changes. The vote was 6-aye to 0-nay.

Attachments: (please list)

Staff Report; Application for General Amendment; Attachment A -(Table 17.16-1); Attachment B – Location Map of M-1 Properties; Tyler and Production Final Plat of Subdivision

Recommendation / Suggested Action (briefly explain):

Recommend approval of the proposed application for a General Amendment to Title 17.

For office use only:	Agenda Item Number: 5c

CITY OF ST. CHARLES

TWO EAST MAIN STREET ST.CH ARLES,I LLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

Received Date
RECEIVED
St. Charles II

St. Charles, IL

MW _ D ZW

CDD

<u>N1-Motor Vehicle</u> Storage: 3 Reemanent

Application Number:

2013-AP-003

Instructions:

CITYVIEW

Project Name:
Project Number:

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

1. Applicant:	Name JOE CONTI	Phone 847-878-3568
	Address 847 STUARTS DR	Fax 630-762-98/3
	ST CHARLES IL	Email JOEVCONT, QAOL.GO
2. Billing: Who is responsible	Name ST CHYSIEN OF ST CHARLES Address ATTA MARY AM BARCA	Phone 630-513 5353
for paying application fees	Address ATTA MARY AM BARCA	Fax
and reimbursements?	ST. CAARKS IL	Email NDONARCAPFORD. Com

Attachment Checklist

- □ APPLICATION: Completed application form
- **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES AGREEMENT: An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- □ WORDING OF THE REQUESTED TEXT AMENDMENT

One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

Requested Text Amendment

To amend Section(s) wording of the proposed amendment is: (attach sheets if nec	of the St. Charles Zoning Ordinance. The
Chapter 17.20 Georgy Use Table 17.16-1 Permitted Uses.	OR, M1, M2, PL
I (we) certify that this application and the documents submitted windledge and belief.	ith it are true and correct to the best of my (our)
Applicant 1/25/13 Date	

FINDINGS OF FACT SHEET - GENERAL AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.



1/25/13

As an applicant, the "burden of proof" is on you to show why the proposed amendment is appropriate. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate "not applicable" and explain why it does not apply.

TABLE 17.16-1 Imendment Description/Ordinance Section Number	<u> //25/13</u>
Imendment Description/Ordinance Section Number	Date
From the Charles Zoning Ordinance, Section 17.04.320.C: n making its recommendation to grant or deny an application for a Zommission shall consider:	Coning Text Amendment, the Plan
. The consistency of the proposed amendment with the City's Com No Zoning MANGE Being Negr	
No CHANGE on Confraktions NR	PAN REGILETAD.
The consistency of the proposed amendment with the intent and a	
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Whether the proposed amendment corrects an error or omission, requirements, is more workable than the existing text, or reflects	
PRATECTS A CHANGE IN POI	licy
The extent to which the proposed amendment would be in the pulserve solely the interest of the applicant.	blic interest and would not
Ampadiment would apply MT ZONING DISTRICT	TO All PANCALS IN

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The impli	ations of the p	roposed	amendmei	nt on all similar	ly zoned pr	operty in the	City.
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The implic	ations of the p	oroposed		nt on all similar			

Phone: (630) 377-4443 Fax: (630) 377-4062

STAFF REPORT

TO: Chairman Jim Martin

And Members of the Government Operations Committee

FROM: Matthew O'Rourke, Planner

RE: General Amendment to Title 17 (Zoning Ordinance) Permitting Permanent Motor Vehicle

Storage in the M-1 Special Manufacturing District

DATE: February 27, 2013

I. GENERAL INFORMATION

Project Name: General Amendment – Permanent Motor Vehicle Storage

Applicant: Joseph Conti (St. Charles Chrysler, Dodge, and Jeep Dealership)

Purpose: Ordinance amendments to permit Permanent Motor Vehicle Storage lots

in the M-1 Special Manufacturing District

II. BACKGROUND

Joseph Conti represents the St. Charles Chrysler, Dodge, and Jeep dealership located at 1611 E. Main Street. The dealership is interested in utilizing a portion of the vacant property at the southeast corner of Tyler Road and Production Drive to permanently park motor vehicles. This use is defined as Permanent Motor Vehicle Storage by the City's Zoning Ordinance.

This property was subdivided in 2012 into two development parcels and a portion of this parcel was sold to the City to facilitate stormwater drainage improvements to the south of the developable lots. (See attached Tyler & Production Plat of Subdivision)

The subject property is zoned **M-1 Special Manufacturing District** and **Permanent Motor Vehicle Storage** is not a permitted use in this district.

III. PROPOSAL

Joseph Conti has applied for a general amendment to the Zoning Ordinance. The details of the proposal are as follows:

 Amend Table 17.16-1 Office/Research, Manufacturing, and Public Lands Permitted and Special Uses to permit Permanent Motor Vehicle Storage in the M-1 Special Manufacturing Zoning District. • Amend Section 17.20.030.P Motor Vehicle Storage Temporary and Permanent to include specific standards for properties in the M-1 Special Manufacturing District.

IV. ANALYSIS

A. SITE LOCATION & AERIAL PHOTO

A mixture of zoning districts and land uses surround the proposed site as follows:

Location	Zoning District	Land Use
North	BC-Community Business PUD/	Hotel/Manufacturing Businesses
	M-2 Limited Manufacturing	_
East	M-2 Limited Manufacturing	Manufacturing Business
South	M-2 Limited Manufacturing	Vacant Property
West	BC-Community Business PUD	Al Piemonte/ Children of America

Aerial Photo



Properties to the east, north, and south are zoned M-2 Limited Manufacturing. Permanent Motor Vehicle Storage is a permitted use in this district.

B. M-1 SPECIAL MANUFACTURING ZONING DISTRICT

Per **Section 17.16.010 Purpose Statements** of the Zoning Ordinance, the following is the purpose of the M-1 Zoning District:

"The purpose of the M-1 Special Manufacturing District is to accommodate older manufacturing areas in the City that are either in transition from manufacturing to alternative uses, or are in need of rehabilitation. The M-1 district shall provide flexibility in design and parking requirements to allow for adaptive reuse and/or

redevelopment for viable light assembly, processing, heavy retail and service, and office uses."

The M-1 district permits a variety of uses. Other motor vehicle related uses that are permitted in the M-1 district are as follows:

- Motor Vehicle Service and Repair, Minor
- Motor Vehicle Rental

There are other permitted, special, and accessory uses in the M-1 district that conduct similar activities such as:

- Outdoor Sales, Permanent
- Outdoor Sales, Temporary
- Outdoor Storage
- Warehouse Distribution
- Heavy Retail and Service

Staff has included a complete table of all uses permitted in the M-1 District as Attachment A.

C. PROPERTIES ZONED M-1

Staff has analyzed all the properties in the M-1 District. This analysis indicates that there are two groupings of M-1 properties. The majority of these properties are west of the river near Dean Street. The other grouping is east of the Fox River in close proximity to E. Main Street between 9th Avenue and Tyler Road. A number of these properties are located near residential zoning districts.

There is a natural break in the size of M-1 zoned properties. A number of properties are 1.5 acres or less and the rest of the properties are 2.0 acres or larger. (See Attachment B - M-1 Properties)

D. MOTOR VEHICLE STORAGE, PERMANENT

Section 17.30.020 Use Definitions defines Motor Vehicle Storage, Permanent as:

"The outdoor storage of motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation vehicles, when not accessory to any principal use on the same lot."

E. MOTOR VEHICLE STORAGE USE STANDARDS

Section 17.20.030.P Motor Vehicle Storage states:

"Permanent and Temporary Motor Vehicle Storage shall comply with the following standards. See 17.20.050 for additional provisions applicable to Temporary Motor Vehicle Storage.

- 1. Off-street parking facilities designed to conform with the requirements of Chapter 17.24 may be used for Motor Vehicle Storage, in compliance with the following requirements:
 - A. No vehicles shall be stored in an off-street parking space required for any other use located on the same or another lot.

- B. Vehicles shall be parked within designated off-street parking spaces and shall not obstruct vehicular access to parking stalls or any portion of the lot.
- 2. Newly established Permanent Motor Vehicle Storage lots shall comply with the requirements applicable to Off-Street Parking Facilities, except:
 - A. 17.26.090 A. Interior Parking Lot Landscaping
 - B. 17.24.070 B. Dimensions, if a twenty-four (24) foot wide access drive is provided generally around the perimeter of the Motor Vehicle Storage lot.
 - C. Direct access to individual spaces shall not be required.
- 3. Permanent Motor Vehicle Storage lots shall not be used as Off-Street Parking Facilities unless modified to comply with all requirements of this Title.
- 4. Commercial Vehicles shall only be stored in the M-2 district.
- 5. Stored vehicles shall be operable and no wrecked or junked vehicles shall be permitted.
- 6. Signage advertising the vehicles for sale or rental is prohibited.
- 7. Motor Vehicle Storage lots shall not be used to conduct retail sales and no retail customers shall be present at any time.
- 8. No single vehicle shall be stored in excess of 180 days."

IV. PROPOSED AMENDMENTS

Based on staff's analysis, staff and the applicant are proposing that Permanent Motor Vehicle Storage lots be permitted in the M-1 Special Manufacturing District. Staff is also proposing that this use be limited to properties that are large enough to accommodate this use and are not located within close proximity to residential property. This amendment will encourage the reuse of older manufacturing properties by permitting an additional use that is compatible with uses permitted in the manufacturing districts. These proposed amendments are as follows:

A. TABLE 17.16-1 OFFICE/RESEARCH, MANUFACTURING, AND PUBLIC LANDS PERMITTED AND SPECIAL USES

Amend **Table 17.16-1** to permit Permanent Motor Vehicle Storage in the M-1 Zoning District.

B. 17.20.030.P MOTOR VEHICLE STORAGE

Based on the analysis of existing M-1 zoned properties, staff is proposing the following use standards for Permanent Motor Vehicle Storage lots in the M-1 District - **New requirements highlighted in bold**:

Permanent and Temporary Motor Vehicle Storage shall comply with the following standards. See 17.20.050 for additional provisions applicable to Temporary Motor Vehicle Storage.

- 1. Off-street parking facilities designed to conform with the requirements of Chapter 17.24 may be used for Motor Vehicle Storage, in compliance with the following requirements:
 - A. No vehicles shall be stored in an off-street parking space required for any other use located on the same or another lot.
 - B. Vehicles shall be parked within designated off-street parking spaces and shall not obstruct vehicular access to parking stalls or any portion of the lot.
- 2. Newly established Permanent Motor Vehicle Storage lots shall comply with the requirements applicable to Off-Street Parking Facilities, except:
 - A. 17.26.090 A. Interior Parking Lot Landscaping

- B. 17.24.070 B. Dimensions, if a twenty-four (24) foot wide access drive is provided generally around the perimeter of the Motor Vehicle Storage lot.
- C. Direct access to individual spaces shall not be required.
- 3. Permanent Motor Vehicle Storage lots shall not be used as Off-Street Parking Facilities unless modified to comply with all requirements of this Title.
- 4. Commercial Vehicles shall only be stored in the M-2 district.
- 5. Stored vehicles shall be operable and no wrecked or junked vehicles shall be permitted.
- 6. Signage advertising the vehicles for sale or rental is prohibited.
- 7. Motor Vehicle Storage lots shall not be used to conduct retail sales and no retail customers shall be present at any time.
- 8. No single vehicle shall be stored in excess of 180 days."
- 9. Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing District shall:
 - A. Not be located closer than 500' to any residentially zoned property.
 - B. Not be located on a lot that is less than 2-acres in area.

V. PLAN COMMISSION RECOMMENDATION

The Plan Commission will hold a public hearing to discuss this application at their 3/12/2013 meeting. This petition will be placed on the meeting portion of the agenda for a vote at this meeting. Staff will include the Plan Commission's recommendation with the meeting packet.

VI. RECOMMENDATION

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

VII. ATTACHMENTS

- Attachment A Table 17.16-1
- Attachment B Location Map of M-1 Properties
- Tyler and Production Final Plat of Subdivision

FINDINGS OF FACT GENERAL AMENDMENT

(Permanent Motor Vehicle Storage)

1. The consistency of the proposed amendment with the City's Comprehensive Plan.

The proposed amendments will permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing Zoning District. The majority of the properties zoned M-1 are designated Special Manufacturing in the Comprehensive Plan. This designation is defined as, "Including older manufacturing areas in transition and/or in need of rehabilitation. Uses include light assembly, processing or other uses suitable for rehabilitation of the area. The maximum Floor Area Ratio is 0.40" This amendment will permit the adaptive reuse and rehabilitation of older large lot manufacturing properties in locations that will not impact residentially zoned property.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment will permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing District. Per **Section 17.16.010 Purpose Statements** "The purpose of the M-1 Special Manufacturing District is to accommodate older manufacturing areas in the City that are either in transition from manufacturing to alternative uses, or are in need of rehabilitation. The M-1 district shall provide flexibility in design and parking requirements to allow for adaptive reuse and/or redevelopment for viable light assembly, processing, heavy retail and service, and office uses." This amendment will permit adaptive reuse that is compatible with other uses permitted in St. Charles' manufacturing districts and is similar to other motor vehicle related uses currently permitted in the M-1 District.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment represents a change in policy. This amendment permits a use that is not currently permitted in the M-1 Special Manufacturing Zoning District. However, this amendment will encourage the adaptive reuse of older manufacturing properties that meet the proposed use standards.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendment will apply to all properties in the M-1 Special Manufacturing Zoning District. Any property located within this zoning district will be permitted to locate a Permanent Motor Vehicle Storage lot, provided it meets the proposed use standards.

5. The extent to which the proposed amendment creates nonconformities.

This amendment will not create any new nonconformities. This amendment will permit Permanent Motor Vehicle Storage lots in the M-1 Special Manufacturing Zoning District. This use is not currently permitted and there are no such uses located on properties in the M-1 Special Manufacturing Zoning District. Any Permanent Motor Vehicle Storage lot permitted after this amendment is adopted will be a conforming use.

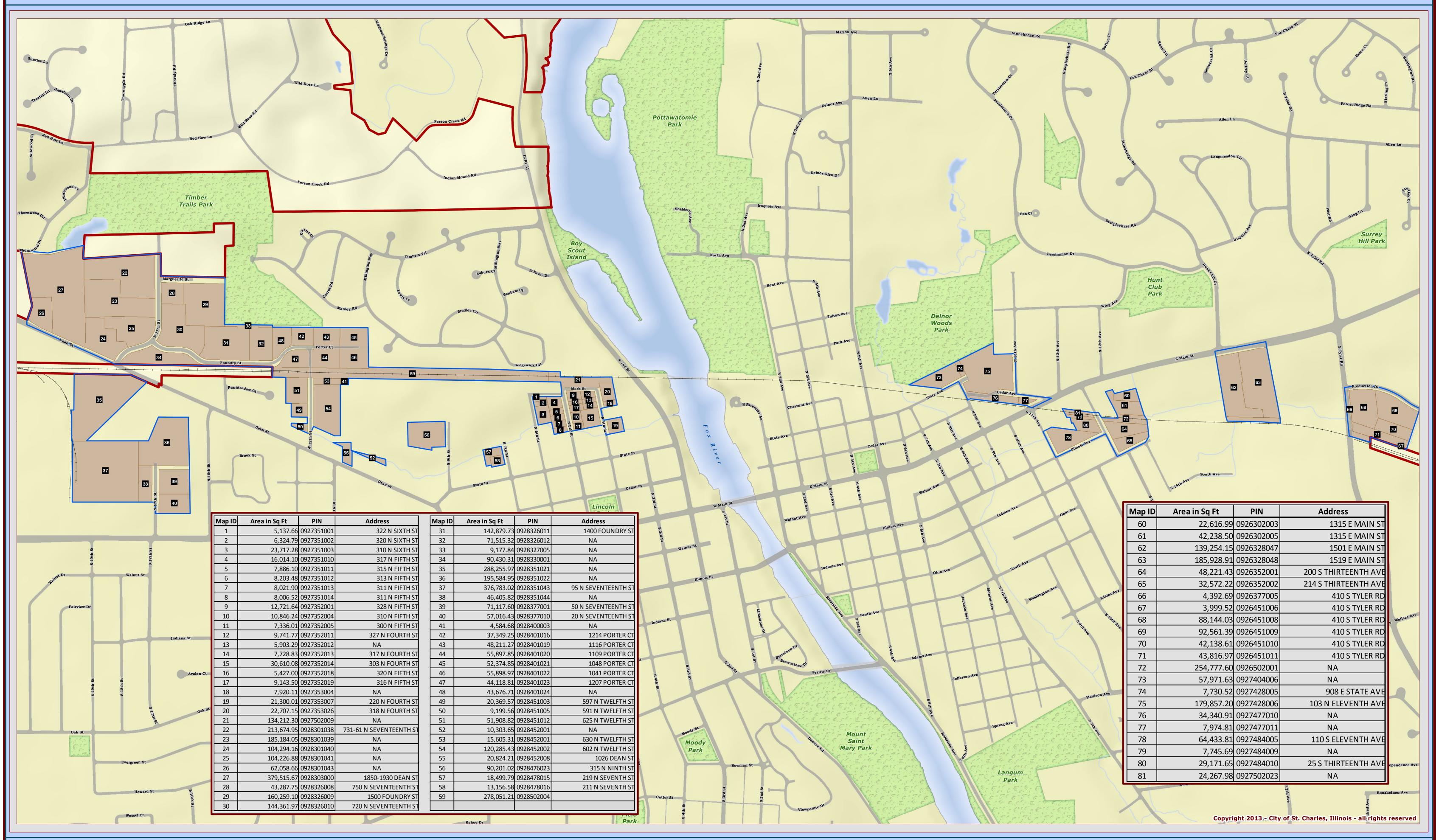
6. The implications of the proposed amendment on all similarly zoned property in the City.

This amendment will permit Permanent Motor Vehicle Storage lots on any property zoned M-1 Special Manufacturing provided that the property meets the proposed use standards.

Attachment A – Table 17.16-1

TABLE 17.16-1 OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LANDS PERMITTED AND SPECIAL USES						
PER P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	MITTED AND	ZONING E			SPECIFIC USE STANDARDS	
,,	O-R	M-1	M-2	PL		
RESIDENTIAL USES	•					
Artists Live/Work Space		S			Section17.20.030	
Assisted Living Facility	Р					
CULTURAL, ŘELIGIÓUS, RECREATIONAL & ENTER	RTAINMENT L	ISES				
Art Gallery/Studio	Р	Р				
Carnival (as temporary use)				Р	Section 17.20.040, 050	
Cultural Facility	Р	Р	Р	Р		
Golf Course				Р		
Indoor Recreation& Amusement	Р	S	Р	Р		
Model Airplane Facility				S		
Outdoor Amusement				S		
Outdoor Entertainment, Temporary				Р		
Outdoor Recreation				Р		
Park, Neighborhood				Р		
Place of Worship		S			Section 17.20.030	
Theater				Р		
RETAIL, OFFICE AND SERVICE USES	<u> </u>		1 0 1		0 11 17 00 000	
Adult Use			S		Section17.20.030	
Bank	Р				0 1 1704100	
Car Wash	D	D	S	Δ.	Section 17.24.100	
Day Care Center	P	Р	Р	A	Section 17.24.100	
Drive-In Facility	SA P				Section 17.24.100	
Emergency Medical Center Financial Institution	P					
Heavy Retail and Service	P	S	Р			
Heliport		3	S			
Hotel/Motel	P	Р	P			
Kennel	Г	Г	S		Section17.20.030	
Medical/Dental Clinic	P	Р	P		JCCII01117.20.030	
Motor Vehicle Service and Repair, Major	'		Р		Section 17.20.030	
Motor Vehicle Service and Repair, Minor		Р	P		Section 17.20.030	
Motor Vehicle Rental	P	P	P		36611011 17.20.000	
Office, Business or Professional	P	P	P			
Outdoor Sales, Permanent		SA	SA		Section 17.20.030	
Outdoor Sales, Temporary		A	A	A	Section 17.20.040, 050	
Professional Training Center	Р	P	-,		35555	
Personal Services, Limited	P	·				
Veterinary Office/Animal Hospital	P	Р	Р			
GOVERNMENTAL AND INSTITUTIONAL USES					·	
Cemetery				Р		
College/University	Р			Р		
Correctional Facility				S		
Fairground				Р		
Hospice	Р					
Hospital	Р					
Nursing Home	Р					
Office, Government	Р	Р		Р		
Police Firearms Training Range				S		

TABLE 17.16-1						
OFFICE/RESEARCH, MANUFACTURING AND PUBLIC LANDS PERMITTED AND SPECIAL USES						
D.D. W. 111	PERMITTED AND	SPECIAL US	ES			
P=Permitted Use					CDEOIGIO LICE	
S=Special Use	Special Use SPECIFIC USE STANDARDS Permitted Accessory Use STANDARDS					
					STANDARDS	
SA=Special Use, Accessory Only	O-R	M-1	M-2	PL		
Dublic Condes Facility	U-R	P IVI-1		PL P		
Public Service Facility		Р	Р			
School, Primary or Secondary				P		
School, Private Boarding				Р		
School, Specialized Instruction	Р	Р	Р			
INDUSTRIAL/STORAGE USES	T					
Junkyard			S			
Manufacturing, Heavy			S			
Manufacturing, Light		Р	Р			
Mini-Warehouse		Р	Р			
Outdoor Storage		А	Α	А	Section 17.20.030, 17.26.120	
Permanent Motor Vehicle Storage			Р		Section 17.20.030	
Recycling Facility			S			
Research and Development Use	Р	Р	Р			
Warehouse/Distribution		Р	Р			
OTHER						
Accessory Uses	А	А	Α	А		
Agriculture				Р		
Communication Antenna	Р	Р	Р	Р	Section17.22.020	
Communication Tower	S	Р	Р	Р	Section17.22.020	
Parking Garage/Structure	A	А	Α	А	Chapter 17.24	
Parking Lot, Private	A	A	A	A	Chapter 17.24	
Planned Unit Development	S	S	S	S	Chapter 17.04, 17.06	
Transportation Operations Facility		S	Р	S		
Utility, Local	Р	Р	Р	Р		
Utility, Community/Regional	S	S	Р	Р		







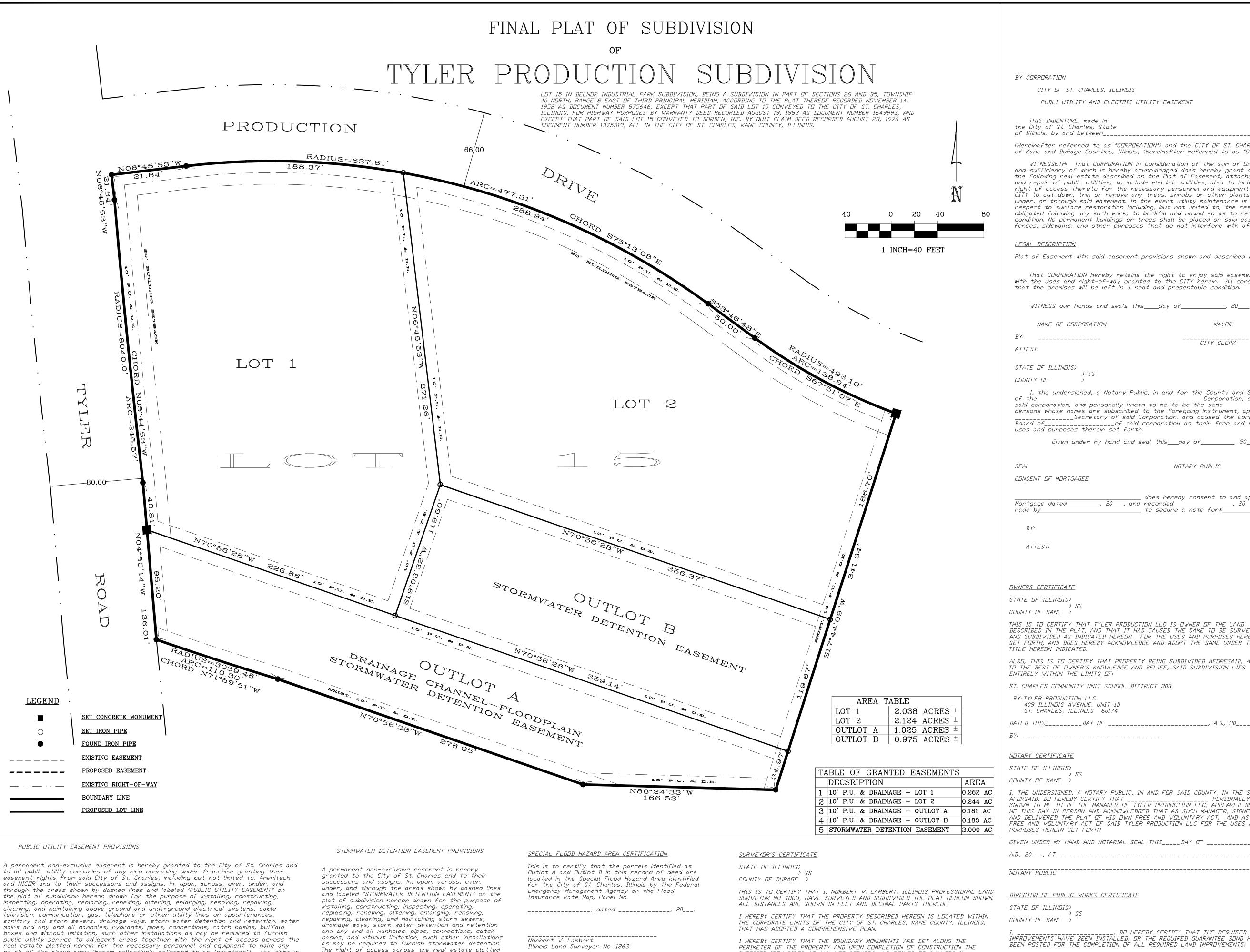












to all public utility companies of any kind operating under franchise granting them easement rights from said City of St. Charles, including but not limited to, Ameritech and NICOR and to their successors and assigns, in, upon, across, over, under, and through the areas shown by dashed lines and labeled "PUBLIC UTILITY EASEMENT" on the plat of subdivision hereon drawn for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining above ground and underground electrical systems, cable television, communication, gas, telephone or other utility lines or appurtenances, mains and any and all manholes, hydrants, pipes, connections, catch basins, buffalo

or all of the above work (herein collectively referred to as "grantees"). The right is also hereby granted to said grantees to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to said utility installations, without limitation, in, on, upon or across, under, or through said easements. In the event utility maintenance is performed within the utility easement, the City of St. Charles will have no obligation with respect to surface restoration including, but not limited to, the restoration, repair, or replacement of any landscaping provided, however, the grantees shall be obligated following any such work, to backfill and mound so as to retain suitable drainage, remove debris, and leave the area in generally clean and workmanlike condition. No permanent buildings or trees shall be placed on said easements, but the easement areas may be used for gardens, shrubs, landscaping, paving, fences, sidewalks, curbing, and other purposes that do not interfere with the aforesaid uses and rights. Where an easement is used for storm or sanitary sewers, other utility installations shall be subject to the prior approval of said City of St. Charles so as not to interfere with the gravity flow in said sewer or sewers. Utility installations, other than those managed by the City of St. Charles, shall be subject to the approval of the City of St. Charles, as to design

and location, and all other installations are subject to the ordinances of the City of

The right of access across the real estate platted herein for the necessary personnel and equipment to make any or all of the above work (herein collectively referred to as "grantees") is also granted. No building shall be placed on said easement premises without prior written consent from the City of St. Charles. The responsibility of maintaining the detention area easement shall be binding on the heirs, executors, administrators, successors and assigns of the landowners. No person shall destroy or modify slopes or otherwise affect the detention volume without having first received written approval from the City of St. Charles. The City shall have the right but not the obligation to restore any detention volume lost through unauthorized activities.

INTERIOR IRON PIPES AT ALL LOT CORNERS AND POINTS OF CHANGES IN ALIGNMENT WILL BE SET.

GIVE UNDER MY HAND AND SEAL THIS_____DAY OF____, A.D., 20____.

ILLINDIS LAND SURVEYOR NO. 1863

REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON

BY CORPORATION		
CITY OF ST. CHARLES, ILLINOIS		
PUBLI UTILITY AND ELECTRIC UTILITY EASEMENT		
THIS INDENTURE, made in the City of St. Charles, State of Illinois, by and between		
(Hereinafter referred to as "CORPORATION") and the CITY OF ST. CHARLES, a MUNI of Kane and DuPage Counties, Illinois, (hereinafter referred to as "CITY").		of the State of Illinois,
WITNESSETH: That CORPORATION in consideration of the sum of One (\$1.00) Do	llar and other good and valuable consideration paid to h	nim by CITY, the receipt
and sufficiency of which is hereby acknowledged does hereby grant and give untithe following real estate described on the Plat of Easement, attached hereto, and repair of public utilities, to include electric utilities, also to include future right of access thereto for the necessary personnel and equipment to do any CITY to cut down, trim or remove any trees, shrubs or other plants that interunder, or through said easement. In the event utility maintenance is performed respect to surface restoration including, but not limited to, the restoration, reobligated following any such work, to backfill and mound so as to retain suitable condition. No permanent buildings or trees shall be placed on said easements, but fences, sidewalks, and other purposes that do not interfere with aforesaid use.	to the CITY OF St. CHARLES a permanent, exclusive easem for the construction, reconstruction, restoration, maint communication cables, thereto as said CITY may deem ned or all of the above work provided. The right is also he fere with the operation of or access to said installatio within the utility easement, the City of St. Charles will he pair, or replacement of any landscaping provided, howeved have the area in a generation easement area may be used for gardens, shrubs,	ent over, under and upon enance, review, access essary, together with the ereby granted to said ns in, on, upon, across, ave no obligation with er, the grantees shall be tally clean and workmanlike
LEGAL DESCRIPTION		
Plat of Easement with said easement provisions shown and described is attached	hereto.	
That CORPORATION hereby retains the right to enjoy said easement and right with the uses and right-of-way granted to the CITY herein. All construction by that the premises will be left in a neat and presentable condition.	t of way for its own purposes, provided that such purp v the CITY shall be done in a good, workmanlike manner, o	oses shall not interfere and the CITY also agrees
WITNESS our hands and seals thisday of, 20,		
NAME OF CORPORATION MAYOR		
BY: CITY CLERK ATTEST:		
STATE OF ILLINOIS) > SS		
COUNTY OF >		
I, the undersigned, a Notary Public, in and for the County and State afore. of theCorporation, and	said, DO HEREBY CERTIFY, that personally known to me to	be thePresident
said corporation, and personally known to me to be the same		
persons whose names are subscribed to the foregoing instrument, appeared beforeSecretary of said Corporation, and caused the Corporate seal	of said corporation to be affixed thereto, pursuant to	o authority, given by the
Board ofof said corporation as their free and voluntary acuses and purposes therein set forth.	ct, and as the free and voluntary act and deed of said	l Corporation, for the
Given under my hand and seal thisday of, 20,		
SEAL NOTARY PUBLIC		
CONSENT OF MORTGAGEE		
does hereby consent to and approve of t Mortgage dated , 20 , and recorded , 20 , as Docu	he within described Utility Easement and subordinates th ment No.	e following thereto:
Mortgage dated, 20, and recorded, 20, as Documade by to secure a note for\$, this	day of, 20,	
BY:		
ATTEST:	PLAN COMMISSION CERTIFICATE	
	STATE OF ILLINOIS)	
) SS COUNTY OF KANE)	
TWNERS CERTIFICATE	APPROVED THISDAY OF	A D 20
TATE OF ILLINOIS)		, A,D,, 20
) SS COUNTY OF KANE)	CITY OF ST. CHARLES PLAN COMMISSION	
HIS IS TO CERTIFY THAT TYLER PRODUCTION LLC IS OWNER OF THE LAND	0.0159.41	
DESCRIBED IN THE PLAT, AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED IND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES HEREIN	CHAIRMAN	
THE SOUDTVIDED AS INDICATED THEREIN. THE OSES AND FORTUSES THEREIN TET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE TILE HEREON INDICATED.	OLIV OF WOLL OF PITTING A TE	
	CITY COUNCIL CERTIFICATE	
NLSO, THIS IS TO CERTIFY THAT PROPERTY BEING SUBDIVIDED AFORESAID, AND OF THE BEST OF OWNER'S KNOWLEDGE AND BELIEF, SAID SUBDIVISION LIES	STATE OF ILLINOIS) > SS	
NTIRELY WITHIN THE LIMITS OF:	COUNTY OF KANE)	
T. CHARLES COMMUNITY UNIT SCHOOL DISTRICT 303	APPROVED AND ACCEPTED THISDAY OF	/
BY: TYLER PRODUCTION LLC 409 ILLINOIS AVENUE, UNIT 1D	A.D., 20	
ST. CHARLES, ILLINOIS 60174	CITY COUNCIL OF THE CITY OF ST. CHARLES	
DATED THISDAY OF, A.D., 20		
3Y:	MAYDR	
<u>IDTARY CERTIFICATE</u>		
TATE OF ILLINOIS)	CITY CLERK	
COUNTY OF KANE)		
, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE	COUNTY CLERK'S CERTIFICATE	
NFORSAID, DO HEREBY CERTIFY THATPERSONALLY NOWN TO ME TO BE THE MANAGER OF TYLER PRODUCTION LLC, APPEARED BEFORE	STATE OF ILLINOIS) > SS	
ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT AS SUCH MANAGER, SIGNED AND DELIVERED THE PLAT OF HIS OWN FREE AND VOLUNTARY ACT. AND AS THE	COUNTY OF KANE)	
REE AND VOLUNTARY ACT OF SAID TYLER PRODUCTION LLC FOR THE USES AND	i,COUNTY CLERK	C DF KANE COUNTY,

PURPOSES HEREIN SET FORTH. ILLINDIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS____DAY OF _____ TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT HEREIN DRAWN. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUDRY FEES IN CONNECTION WITH THE PLAT HEREIN DRAWN. A.D., 20___, AT______ GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT GENEVA, ILLINOIS.

NOTARY PUBLIC THIS______, A.D., 20____.

DIRECTOR OF PUBLIC WORKS CERTIFICATE STATE OF ILLINOIS> COUNTY CLERK

COUNTY RECORDER'S CERTIFICATE , DO HEREBY CERTIFY THAT THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, OR THE REQUIRED GUARANTEE BOND HAS STATE OF ILLINOIS)

COUNTY OF KANE) DIRECTOR OF PUBLIC WORKS THIS INSTRUMENT NO.______WAS FILED FOR RECORD IN DATED AT______, ILLINDIS, THIS____DAY DF_____ THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON THIS_____DAY OF A.D., 20___, __, A.D., 20___. AT_______O'CLOCK___M.

KANE COUNTY RECORDER

Revised 2-1-2012 December 27, 2011